IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3760 OF 2006
IN
FIRST APPEAL NO.2116 OF 2006

Paras Construction and ors. ...Applicants

vs.

Gajanan Pralhad and ors. ...Respondents

Mr.V.K.Choudhary for the Applicants
Mr.Sanjay Dixit for Respondent No.1.

CORAM: A.S.OKA,J.
DATE : JANUARY 9,2007.

P.C.:

1. Rule. Advocate for the first Respondent waives service. Taken up for hearing forthwith. Prayer (B) in this Application is for stay of money decree passed by the Trial Court. Stay cannot be granted unless the amount due and payable under the decree is deposited. If the amount is deposited, the original Plaintiff will have to be permitted to withdraw the same subject to furnishing security. The Prayer (A) cannot be grantd as the Applicants are merely the builders and Developers of the plot of the first Respondent. The relief in prayer (C) is sought in favour of the third party. Hence, prayers (A) and (C) cannot be granted.

2. Hence, Civil Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (B) restricted to money decree subject to the Applicants depositing the entire amount due and payable as per the decree with the Trial Court within a period of 10 weeks from today. If compliance is not made, interim stay will stand vacated without further reference to the court.

ii) In the event the amount is deposited, the trial Court will permit the original Plaintiff to withdraw the same on furnishing adequate security for the said amount.

iii) Civil Application is disposed of in above terms.

JUDGE